

**SUMMARY OF MINUTES
BOARD OF DIRECTORS
MUSKINGUM WATERSHED CONSERVANCY DISTRICT
Held at The Wilderness Center
October 23, 2009, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at The Wilderness Center, Wilmot, Ohio, on Friday, October 23, 2009, at 9:00 a.m., pursuant to notice duly given all Directors, and the general public in accordance with law.

1. ROLL CALL

Directors present were: Mr. Boyle, Mr. Horstman, Mr. Kokovich, Mr. Parham, and Mr. Pryce.

Present from MWCD staff were Scott Barnhart, Mary Burley, James Cugliari, John Hoopingarner, Mark Jukich, Kelli Karns, Darrin Lautenschleger, Karen Miller, John Olivier, Bernie Schreiner, and Boris Slogar.

Mr. Pryce, President of the Board of Directors, presided.

2. INTRODUCTION OF VISITORS AND PUBLIC COMMENT

Also in attendance for all or portions of this meeting were: Jim Pringle (*KPLD Law, MWCD Legal Counsel*); Bob Schraedly (*Charles Mill and Pleasant Hill Marinas*); Gordon Maupin and Gary Popotnik (*The Wilderness Center*); and Eric Reip (*New Philadelphia resident*).

3. APPROVAL OF MINUTES

On motion by Mr. Horstman, seconded by Mr. Parham, the minutes of the September 28, 2009, meetings of the Board of Directors were approved.

4. FINANCIAL

Mr. Cugliari presented the financial report for the period ending September 30, 2009. The total revenue is \$16,970,577.00, with expenses of \$9,408,489.00, resulting in an excess of revenue over expenses of \$7,562,088.00. The total cash balance as of September 30, 2009 is \$8,424,178.89, of which \$715,882.78 is in the general checking account and business savings account and \$7,396,556.77 is in the maintenance assessment business savings account.

Maintenance Fund – General

- Revenue is at 40.86% of budget. Interest on Investments will not meet budget this year.
- Expenses are 80.59% of budget.
- Chippewa Subdistrict expenses are directly charged by the main district and reimbursed by the subdistrict.
- A few other accounts are near the annual budget amount, necessitating budget adjustments.

Maintenance Fund - Conservation

- Revenues are 40.53% of budget.
- Timber Harvesting revenues are 36.77% of budget. A recent sale at Piedmont for approximately \$166,000.00 will help reach the revenue goal of \$325,000.00.
- No Farm Operations-Sharecrops revenue has been received to date. Indications are that this area will be on budget.
- Expenses continue to be in line with budget.

Recreation Fund – Parks

- Total park revenues are 94.11% of budget.
- Park Camping is at 98.64% of budget and will meet or exceed the budgeted \$3.7 million.
- Camper Trailer Storage revenues will be received in October/November with expectations of meeting budget.
- Expenses continue ahead of last year but are within budget. Affecting expenses this year are the impact of minimum wage, salary study implementation, and implementation of the collective bargaining contract.

Recreation Fund – Non Park

- Revenues are 82.91% of budget.
- Marina operations continue to run behind budget and last year's revenue.
- Cottage sites, club sites and multiple docks are expected to be at or near budget expectations.
- Expenses continue in line with budget.

Maintenance Assessment Fund

- The first year collection of the maintenance assessment has yielded \$9,128,477.00 through September in comparison to the \$9 million budget. One county's settlement remains to be received.
- Expenses are in line with budget.
- An expenditure of \$294,796 for Dam Safety/Flood Control was payment to the U.S. Army Corps of Engineers for the Dover Dam project.

As we enter the fourth quarter of 2009, staff has been directed to streamline expenses and keep them to essential operations only. We will continue to monitor expenses and revenue and make adjustments as necessary.

On motion by Mr. Parham, seconded by Mr. Boyle, the financial report was accepted as presented.

Mr. Cugliari presented a report of the "Schedule of Assessment Collections for Calendar Year 2009." In addition, a "Revenue Budget Report for the Budget Year 2009 and Proposed 2010." This was a preliminary report prepared for the Board.

Mr. Pryce requested that a report of inflationary projections for supplies in the 2010 budget year be prepared for the November meeting.

5. PAYMENT OF BILLS

On motion by Mr. Boyle, seconded by Mr. Parham, a report of the payment of bills for the period ending September 30, 2009, was approved as presented.

6. BUSINESS

6.01a LEASE TRANSACTIONS

On motion by Mr. Horstman, seconded by Mr. Parham, the assignments, cancellations, new leases, farm leases, mortgage consent and agreement cancellations, and mortgage consent and agreements were approved and execution by the proper officers of the MWCD authorized.

6.02 SITES LAKE WASTEWATER TREATMENT PLANT – LOAN APPLICATION

Design of the Charles Mill Sites Lake wastewater treatment system is complete and the project has been advertised for public bidding. Construction bid proposals will be opened October 29, 2009, at 1:00 p.m. at MWCD offices.

Construction will be financed through the Ohio EPA Water Pollution Control Loan Fund (WPCLF). This construction loan is available over 20 years at 3.41%, and will be used to cover all project expenses. The project cost estimate is as follows:

Construction	\$730,000
Utilities	55,500
Construction Administration	60,000
Engineering Planning	26,660
Contingency	<u>27,840</u>
Total	\$900,000

A request for approval to enter into a contract with the apparent low and/or best bidder will be requested at the November Board meeting. Funds to pay off the construction loan will be generated by invoicing the users of the water treatment system, based upon final project costs.

This memo is for informational purposes only and is intended to provide the Board with a project update. No action by the Board is required at this time.

6.03a HUMAN RESOURCES SUMMARY

On motion by Mr. Boyle, seconded by Mr. Horstman, human resources activities, as recommended and set forth in the above memorandum, were approved.

6.03b NEW PERSONNEL POLICY – EXEMPT (SALARIED) EMPLOYMENT STATUS

As part of our on-going personnel policies review, the attached proposed new policy regarding exempt employee status has been developed. This policy outlines the process for determination of exempt status and provides guidelines for schedule agreements. The policy also creates a formal system for the accumulation of compensatory time for non-contracted exempt staff which is similar to what other state and local government agencies have in place. The proposed policy formalizes the accumulation of compensatory time for non-contracted exempt staff and will lead to consistency for management of exempt employees and clearer guidelines for those affected employees.

The policy has been reviewed through The Dublin Management Group and their legal counsel.

This proposed new policy is presented for review and comment. It will be brought before the Board in November for consideration with a proposed implementation date of the first full pay period in January 2010.

6.03b EMPLOYEE SERVICE AWARDS

The following employees will receive recognition awards in 2009 for their years of service to the MWCD.

10 years

Jeremy G. Hoffer..... Atwood Lake Park
Darrin S. Lautenschleger..... Administrative Group

15 years

David E. Olsafsky..... Recreation Group

20 years

Scott D. Barnhart..... Recreation Group

John M. Hoopingarner..... Administrative Group

It is recommended that the Board adopt a resolution in recognition of the above-listed individuals.

On motion by Mr. Parham, seconded by Mr. Boyle, the Board adopted a resolution in recognition of the above-listed individuals, as recommended and set forth in the above memo.

6.04 PARK VACATION CABIN RATES FOR 2010

On motion by Mr. Boyle, seconded by Mr. Kokovich, authorization to keep the 2010 rates for park vacation cabins unchanged from 2009 with no increase, as recommended and set forth in the above memorandum, was approved.

6.05 TAPPAN LAUNCH RAMP REHABILITATION

On motion by Mr. Parham, seconded by Mr. Boyle, a request to advertise for bids and accept the lowest and/or best bid for construction of the Tappan Lake launch ramp improvements project at a cost not to exceed \$400,000, as recommended and set forth in the above memorandum, was approved.

6.06 ATWOOD RESORT – PAINTING CONTRACT FOR WATER TOWER

On motion by Mr. Kokovich, seconded by Mr. Horstman, a request to enter into an agreement with Roubas Painting, Inc in the amount of \$256,200 for the repainting of the Atwood Resort water tower, as recommended and set forth in the above memorandum, was approved.

6.07 OTHER BUSINESS

No other business at this time.

7. REPORTS

7.01 SUMMARY OF MARINA OPERATIONS

Members of the Board received a Summary of Marina Operations report through September 30, 2009.

7.01a STATE OF THE MARINE INDUSTRY

Bob Schraedly, owner/operator of the marinas located at Charles Mill and Pleasant Hill, addressed the Board highlighting his perspective of the state of the marine industry. He reported that one of the biggest changes is the area of new boat sales. Docking operations have remained solid. Rentals were down this past season at Pleasant Hill but on the other hand, increased at Charles Mill.

Mr. Schraedly mentioned that one of the big buzz words in the marine industry is life style – the location of MWCD marinas on the lakes is advantageous, lending itself to other activities of interest to boaters – camping, etc.

Like all other facets of business, the web has changed the marine industry. Mr. Schraedly remarked that the web generates phone calls from all areas. Customer service is strongly emphasized at Charles Mill and Pleasant Hill Marinas where there are many long-term employees. Unlike many of the smaller marina operations

throughout the MWCD, the Charles Mill and Pleasant Hill Marinas are open all year. The smaller dealers are not utilizing their facilities to their fullest potential because they operate on a seasonal basis.

When asked about the marine dealers competing with the large “box” stores such as WalMart, Mr. Schraedly commented that one large consideration is the educational component offered by the independent marine dealers. The large “box” stores do not include training and education on how to use equipment when purchased.

Mr. Barhart complimented Mr. Schraedly’s marina operations and staff for their level of customer service.

**7.02 PRESENTATION BY GORDON MAUPIN,
EXECUTIVE DIRECTOR OF THE WILDERNESS CENTER**

Mr. Maupin addressed the Board regarding “Modern Conservation Biology” and how it relates to both The Wilderness Center (TWC) and MWCD. Modern Conservation Biology is the branch of biology that deals with the effects of humans on the environment and with the conservation of biological diversity.

Overlaps between the TWC and MWCD missions include water quality, wildlife/conservation, recreation, sediment reduction and public service.

Conservation biology deals with identification, protection, maintenance, development and restoration of the earth’s biological diversity.

At the conclusion of his presentation, Mr. Maupin suggested the reading of a book by David Quammen entitled “*Song of the Dodo.*”

7.03 PREVIEW OF NEW MWCD WEBSITE

Mr. Lautenschleger gave a presentation relative to the new website for the Muskingum Watershed Conservancy District available on the Internet at www.mwcd.org.

7.04 IMMINENT OR PENDING LITIGATION

No report at this time.

7.05 ATWOOD REGIONAL WATER AND SEWER DISTRICT UPDATE

Mr. Parham is a member of the Atwood Regional Water and Sewer District (ARWSD) Board of Trustees as the representative from the MWCD. There was a recent allegation of a conflict of interest in his participation due to his relationship with the MWCD. ARWSD legal counsel has issued an opinion that there is no conflict of interest. In fact, all members of the ARWSD Board of Trustees are ARWSD customers.

There have been two resignations from the Board of Trustees recently. The responsibility of filling one of the vacancies is with the Village of Dellroy; the other vacancy is an appointment made by Harcatus, who is now evaluating whether or not they want to continue in that role.

Mr. Parham mentioned that the Board of Trustees anticipates receipt at their November meeting of engineering reports evaluating a potential regional water system. This project is linked to an application for

Federal stimulus funds.

7.06 MWCD/USACE PARTNERING MEETING

Mr. Hoopingarner reported that he, Mr. Slogar and Mr. Jukich met recently for the partnering meeting with staff of the U.S. Army Corps of Engineers, Huntington District. The partnering meeting was held at the USACE headquarters located in Cincinnati. These partnering meetings offer a valuable opportunity for MWCD staff to interact and exchange current project information with the USACE.

7.07 OHIO RIVER BASIN SUMMIT

Mr. Hoopingarner reported that he was extended an invitation to participate in the 2009 Ohio River Basin Summit held in Covington, Kentucky. The Ohio River Basin Summit was attended by representatives from approximately 15 states. Mr. Hoopingarner's participation involved a panel discussion which he related the collaboration efforts and experience of MWCD in coordinating a maintenance plan for its 18-county area. At the conclusion of the Summit, the consensus of the group was identifying the need for a commitment of a strong education and information effort throughout the Ohio River Basin region to raise public awareness.

7.08 UPDATE ON 2009 GOALS

Mr. Hoopingarner reported on the progress of meeting the "Goals for 2009" as adopted by the Board on January 23, 2009.

8. LEGISLATIVE REVIEW

8.01 CURRENT LEGISLATIVE ACTIVITIES

No report at this time.

9. SUBDISTRICTS

9.01 CHIPPEWA SUBDISTRICT PROJECT ADVISORY COMMITTEE REPORT

Mr. Slogar reported that the Project Advisory Committee (PAC) met earlier this month to review 2009 projects as well as to discuss upcoming 2010 projects. As a reminder, the PAC is an advisory group made up of local landowners and technical experts to:

- act as a sounding board and advisory committee to the MWCD Chief Engineer and Subdistrict Watershed Project Coordinator in identifying and prioritizing projects and long-range maintenance plans;
- provide forums for soliciting ideas and receiving feedback from the public, project landowners, adjacent landowners, area businesses, and others interested in the operation and development of the Chippewa Subdistrict; and
- act as an advocate both within and outside the Subdistrict and its mission.

PAC committee members are:

- David Kopchak, Natural Resources District Conservationist (Medina)
- Don Steiner, land owner and farmer (Rittman)
- Robert Workman, dam owner (Medina)
- Tom James, Medina County Park Director (Medina)

- Rodney Tornes, P.E., Dam Safety Engineering Administrator, ODNR (Columbus)
- David Simpson, Director of Public Service (Rittman)

The committee, in consensus, recommended that the following projects (outside of normal dam and channel maintenance) move forward in 2010:

- Sediment removal and disposal from dam structures IV-a and VD.
- Breach analysis and downstream hazard validation for three dams which were reclassified by ODNR.
- Continuation of the hydraulic modeling of Chippewa Creek with the U.S. Geological Survey.
- Continuation of the GIS asset management project.

Mr. Slogar also reported that the Federal Emergency Management Agency in leveraging the hydraulic modeling of Chippewa Creek being performed by the Subdistrict, is likely to perform a flood study in the region through a partnership with Medina County and ODNR. This flood study will lead to modernized floodplain mapping in the Chippewa Basin thus creating updated Flood Insurance Rate Maps.

EXECUTIVE SESSION

On motion by Mr. Parham, seconded by Mr. Boyle, the Board of Directors entered into executive session at 10:51 a.m. to discuss matters related to ORC §121.22 (G) (1) (employment and compensation); (2) sale of property; and (3) imminent court action. On roll call: Mr. Boyle-yes; Mr. Horstman-yes; Mr. Kokovich-yes; Mr. Parham-yes; and Mr. Pryce-yes. On motion by Mr. Parham, seconded by Mr. Boyle, the Board returned to open session. The executive session ended at 11:53 a.m.

In open session, on motion by Mr. Parham, seconded by Mr. Horstman, the deadline for the RFP process for the Atwood Resort was extended from November 2, 2009, to January 2, 2010.

10. ADJOURN

There being no further business, on motion by Mr. Kokovich, seconded by Mr. Boyle, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, November 20, 2009, at 9:00 a.m. at Kent State Tuscarawas Science and Advanced Technology Center, New Philadelphia, Ohio.

10/23/2009

Approved 11/20/2009